

## **CHAPTER 8**

### **DISORDERLY CONDUCT AND PUBLIC NUISANCES**

#### **ARTICLE I. OFFENSES AGAINST PUBLIC PEACE**

##### **Section 8-1 Public Drunkenness**

- 1) No person shall be drunk in any street, alley or other public place in the Town.
- 2) It will be unlawful for any person to consume any whiskey, beer, malt liquor, or wines, fortified or unfortified, or any other alcoholic beverages on any public sidewalk, street, alley or other public premises within the Town.
- 3) It will be unlawful for any person to consume any whiskey, beer, malt liquor or wines, fortified or unfortified, or any other alcoholic beverages while situated in or about any motor vehicle on or moving about any public street, alley, or other public premises within the limits of the Town.

##### **Section 8-2 Indecent Conduct**

No person shall indecently expose himself or commit any other indecent act or make any indecent remark or proposal to any person in any public place.

##### **Section 8-3 Loud Cursing and Swearing**

No person shall, on or in any street or other public place in the Town, curse or swear loud enough to be heard by any passerby.

##### **Section 8-4 Other Offensive Language**

No person shall use any language calculated to bring on a breach of the peace or to annoy the public.

##### **Section 8-5 Engaging in Riot, Affray**

No person shall engage in any riot, assault, or affray, within the Town.

##### **Section 8-6 Boisterous Screaming**

No person shall shout or scream in a loud and boisterous manner in the Town so as to disturb the public.

##### **Section 8-7 Disturbing Public Meetings**

No person shall willfully or wantonly disturb any public meeting or gathering.

### **Section 8-8 Disturbing Religious Services**

No person shall molest, disturb or interrupt any congregation assembled for religious services by making a noise, or by rude or indecent behavior, or by profane discourse within the place or worship or near the same.

### **Section 8-9 Loitering for the purpose of engaging in drug related activity**

- 1) For the purpose of this Section, “public places” means any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility, or doorways and entrances to any building which fronts on any of those places, or a motor vehicle in or on any of those places, or any property owned by the Town of Hertford.
- 2) For the purpose of this Section, a “known unlawful drug user, possessor, or seller” is a person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession or sale of any of the substances referred to in the North Carolina Controlled Substances Act, Chapter 90, any violation of any substantially similar laws of any political subdivision of the State or of any other state or of the United States Government.
- 3) It shall be unlawful for a person to remain or wander about in a public place and to
  - a) Repeatedly beckon to, stop or attempt to stop passers-by, or repeatedly attempt to engage passers-by in conversation; or
  - b) Repeatedly stop or attempt to stop motor vehicles; or
  - c) Repeatedly interfere with the free passage of other persons; or repeatedly pass to receive from passers-by, whether on foot or in vehicle, money or objects

for the purpose of engaging in a violation of any subdivision of the North Carolina Controlled Substance Act, NCGS Chapter 90, Article 5.

- 4) In the trial of any person charged with a violation of any of the provisions of this section, testimony of a prior controlled substance conviction, or testimony concerning the reputation of any place, structure, or building, and of the person or persons who reside in or frequent the same, and of the defendant with regard to whether such person is a known unlawful drug user, processor, or seller, shall be admissible in evidence in support of the charge.
- 5) Violation of any provision of this Section shall be a misdemeanor as provided by NCGS 14-4.

If any section, subsection, paragraph, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, affect the validity of the remaining portions hereof.

*This ordinance shall be effective this the 11th day of October 1993.*

### **Section 8-10 Loafing at Passenger Station and Bus Terminal**

No person shall, without having some business on the premises, loaf or lounge in or about any railway passenger station or bus terminal.

### **Section 8-11 Vagrancy**

No person who is able to work shall habitually loaf or loiter on the streets, without any visible and known means of a fair, honest and reputable livelihood.

### **Section 8-12 Injuring or Defacing Property**

No person, firm or corporation shall willfully or negligently injure, deface, draw, paint, carve, or mutilate in any way whatsoever any sign, post, lamp, pole, wire, apparatus, building, residence, walls or fences.

### **Section 8-13 Carrying Concealed Weapon**

No person shall carry any concealed pistol, bowie knife, sling - shot, knuckles or other deadly weapon; provided, this shall not apply to law enforcement officers.

### **Section 8-14 Interfering with Students**

No person shall wantonly molest, disturb or interfere with any student at any school while such student is enroute to or from any school, church or other place where such student has a right to be.

### **Section 8-15 Begging in Public Places**

No unauthorized person shall beg or solicit alms in or on the streets or other public places of the Town nor the entrances or corridors to or of any public building in the Town.

### **Section 8-16 Indirect Solicitation of Alms in Public Places**

No person shall sell or offer for sale any pencils, shoestrings, chewing gum, or similar objects in or on the streets or other public places of the Town as an indirect method of soliciting alms, nor shall any person offer a cup or other receptacle for the deposit of money or take up any collection in connection with the playing of any musical instrument in or on the streets or other public places of the Town.

### **Section 8-17 Unnecessary Noise**

The creation of any unreasonably loud, disturbing and unnecessary noise in the Town is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

### **Section 8-18 Noises Expressly Prohibited**

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Section, but said enumeration shall not be deemed to be exclusive, namely:

- 1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonable loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- 2) The use of any gong or siren upon any vehicle, other than police, fire, or other emergency vehicle.
- 3) The playing of any radio, phonograph or other musical instrument in such a manner or with such volume, practically during the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of any person or persons in any dwelling, hotel or other type of residence; provided that no speaker or amplifier to any radio, phonograph, or other musical instrument on which music is played shall be located outside of any restaurant, cafe, drive-in, or commercial public building; except that this provision shall not apply to small amplifying systems located at the above places used for placing orders for meals, or merchandise and so long as said amplifiers or speakers are not over four (4) inches in diameter and do not use over six (6) watts of electricity.
- 4) The keeping of any animal or bird, which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity.
- 5) The use of any automobile, motorcycle, or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling, or other noise.
- 6) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.
- 7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine except through a muffler or other device which will effectively prevent loud or explosive noises there from.
- 8) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.
- 9) The erection (including excavating), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on week days, except in the case of urgent necessity in the interest of public safety and then only with a permit from the Building Inspector, which permit may be renewed for a period of three (3) days or less while the emergency continues.

- 10) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or within one hundred and fifty (150) feet of any hospital, which unreasonably interferes with the working of such institution; provided, conspicuous signs are displayed in such streets indicating that the same is a school, court or hospital street.
- 11) The creation of any excessive noise on Sundays on any street adjacent to any church; provided, conspicuous signs are displayed in such street adjacent to churches indicating that the same is a church street.
- 12) The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- 13) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof.
- 14) The shouting and crying of peddlers, barkers, hawkers and vendors, which disturb the quiet and peace of the neighborhood.
- 15) The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.
- 16) The use of any mechanical loud speakers or amplifiers on trucks or other moving vehicles for advertising or other purposes except where specific license is received from the Police Department.
- 17) The conducting, operating or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noises to be emitted there from between the hours of 11:00 p.m. and 7:00 a.m.
- 18) The firing or discharging of a gun, squibs, crackers, gun powder or other combustible substance in the streets or elsewhere for the purpose of making noise or disturbance, except by permit from the Police Department.

**Section 8-19 Prevention and Abatement of Public Nuisances Caused by the Uncontrolled Growth of Noxious Weeds and Grass and the Accumulation of Refuse.**

- 1) The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:
  - 2) The uncontrolled growth of noxious weeds or grass to a height in excess of ten (10) inches causing or threatening to cause a hazard detrimental to the public health safety.
  - 3) Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the habitation therein of rats, mice, snakes or vermin or any kind which is or may be dangerous or prejudice to the public health.

- 4) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind, which is or may be dangerous or prejudicial to the public health.
  - 5) The open storage of any abandoned icebox, refrigerator, stove, glass, building material, building rubbish or similar items.
  - 6) Any condition detrimental to the public health, which violates the rules and regulations of the County Health Department.
- 7) The Town Manager, upon notice from any person of the possible existence of any of the conditions described in Section 1, shall cause to be made by the appropriate County Health Department official, Town official, such investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in Section 1.
  - 8) If a determination is made that such conditions constituting a public nuisance exists, the Town Manager shall notify, in writing, the owner of the premises in question of the conditions constituting such public nuisance and shall order prompt abatement thereof within ten (10) days from the receipt of such written notice. The owner or party in interest shall have the right to be heard and said hearing, if any, shall be held within the ten (10) day period herein set out.
  - 9) If the owner, having been ordered to abate such a public nuisance, fails, neglects, or refuses to abate or remove the conditions constituting the nuisance within (10) days from the receipt of the notice provided for the Section 3 hereof, the Town Manager shall cause said conditions to be removed or otherwise abate such nuisance under the supervision of an officer or employee designated by the Town Manager. Any person who has been ordered to abate a public nuisance may within the time allowed by this ordinance request the Town in writing to remove such condition, the cost of which shall be paid by the person making such request.
  - 10) The actual cost incurred by the Town in removing or otherwise remedying a public nuisance shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the Tax Clerk to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within thirty (30) days from the receipt thereof.

In addition to the actual cost of the Town for abating said nuisance a penalty shall be charged to the owner of the land in question or the person in possession of same, said additional amount to be charged for second and subsequent abatement actions performed on property on which an abatement action was previously performed. Said charges are as follows:

- a) First abatement procedure- owner or person in possession to pay total cost of Town's operation to abate said nuisance.
- b) Second abatement procedure, same property- owner or person in possession to pay total cost of Town's operation to abate said nuisance, plus \$150.00.
- c) Third abatement procedure, same property – owner or person in possession to pay total cost of Town's operations to abate said nuisance, plus \$250.00.

- d) Each subsequent abatement procedure, same property – owner or person in possession to pay total cost to Town's operations to abate said nuisance, plus \$250.00 IN ADDITION to the \$250.00 as set out for the third abatement procedure.
- 11) In the event charges for the removal or abatement of a public nuisance are not paid within thirty (340) days after the receipt of a statement of charges as provided for in Section 5 of this ordinance, such charges shall become a lien upon the land or premises where the public nuisance excited and shall be collected as unpaid taxes, as provided in G. S. 160A-193.

## **ARTICLE II. OFFENSES AGAINST PUBLIC SAFETY**

### **Section 8-25 Protection of Excavations**

No owner, occupant or tenant in possession of any lot or parcel of land in the Town shall permit any well, excavation or embankment to remain thereon without sufficient enclosure or covering to prevent persons from injury thereby.

### **Section 8-26 Projectiles, Archery Ranges**

No person shall shoot or project any stone, rock, shot or other hard substance by means of sling shot, bean shooter, air rifle, pop gun, bow or other similar contrivance; provided, that archery shooting may be engaged in on such grounds as may be set and approved therefore by the Board of Commissioners.

### **Section 8-27 Shooting Firearms**

No person shall fire or shoot any gun or pistol or other firearm within the Town, except in duly licensed shooting galleries; provided, this Section shall not be construed to prevent the destruction by means of firearms of obnoxious animals or birds upon one's own premises, or the protection of one's own property from depredation.

### **Section 8-28 State of Emergency; curfew authorized**

- 1) A state of emergency shall be deemed to exist whenever, during times of great public crisis disaster, rioting, catastrophe, or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property.
- 2) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the Town of Hertford, or threatening damage to or destruction of property, the Mayor of the Town of Hertford, or threatening damage to or destruction of property, the Mayor of the Town of Hertford is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives and property of people within the Town, to place in effect any or all of the restrictions hereinafter authorized.
- 3) The Mayor is hereby authorized and empowered to limit by the proclamation the application of all or any part of such restriction to any area specifically designated or described within the corporate limits of the Town and to specific hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, firemen and other public employees, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting and television broadcasting corporation operated for profit; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the people within the Town.



- 4) The Mayor shall proclaim the end of such state of emergency or all or any part of the restriction imposed as soon as circumstances warrant or when directed to do so by the Governing Body.
- 5) During the existence of a proclaimed state of emergency, the Mayor may impose by proclamation any or all of the following restrictions:
  - a) Prohibit or regulate the possession off one's own premises of explosives, firearms, ammunition, or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof;
  - b) Prohibit or regulate the buying of selling of beer, wine or intoxicating beverages of any kind, and their possession or consumption off one's premises;
  - c) Prohibit or regulate any demonstration, parade, march vigil, or participation therein from taking place on any of the public ways or upon any public property.
  - d) Prohibit or regulate the sale of gasoline, kerosene, naphtha, or any other explosive or inflammable fluids or substance.
  - e) Prohibit or regulate travel upon any public street, alley, or roadway or upon any other public property, except by those in search of medical assistance, food, or other commodity or service necessary to sustain the well being of themselves or their families or some member thereof;
  - f) Prohibit or regulate the participation in or carrying on of any business activity, an prohibit or regulate the keeping open of places of business, places or entertainment, and nay other places of public assembly.
- 6) Any proclamation may be extended, altered, or repealed in any particular during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.
- 7) During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this ordinance.

#### **Section 8-28.1 Severability**

The Sections, paragraphs, sentences, clauses, words and phrases of this ordinance are severable, and, if any word, phrase, section, paragraph, sentence, clause shall be declared unconstitutional or invalid by any judgment or decree or any court of competent jurisdiction, the unconstitutionality or invalidity shall not effect any of the remaining phrases, words, clauses, sentences, paragraphs, or sections of this ordinance.

### **Section 8-28.2 Penalty**

The violation of any provision of this ordinance, or of any provision of any restriction imposed by any proclamation authorized by any ordinance, shall constitute a misdemeanor, punishable upon conviction by a fine not exceeding fifty dollars (\$50.00) or imprisonment not exceeding thirty (30) days as provided by G.S. 14-4. A violation of Section 8-47, prohibiting dogs from running at large, shall be civil in nature and will carry a penalty in the amount of \$25.00 which shall be payable to the Town of Hertford.

### **Section 8-29 Curfews for Minors; Exceptions**

- 1) **PURPOSE.** The purpose of this section is to establish a curfew for minors in the Town of Hertford, thus assisting the parents and guardians of minors in the increasing difficult task of child rearing, and to promote health, safety, and welfare of both minors and adults in the Town of Hertford by creating an environment offering better protection and security for all concerned.
- 2) **DEFINTIONS.** As used in this section, the following definitions shall apply:
  - a) **Public Place.** Area such as, but not limited to, all common areas open to all common use; alleys, streets, or public places, or places of business and amusement; public vehicular areas, highways, and parks; establishments open to the public for the conduct of business.
  - b) **Guardian.** One who has the legal care and management of a minor as defined by this ordinance.
  - c) **Minor.** A person who has not reached his/her sixteenth birthday and is not married, emancipated, or a member of the armed services of the United States.
  - d) **Officer.** Any sworn law enforcement official having the authority to enforce the laws of the Town of Hertford.
- 3) **CURFEW AND ENFORCEMENT.**

A curfew applicable to minors is established and shall be enforced as follows:

- a) **Time Limits.** It shall be unlawful for any minor to be or remain upon any public place as defined in this ordinance in the Town of Hertford between midnight Friday and 5:00 a.m. on Sunday, or between midnight Saturday and 5:00 a.m. on Sunday, or between the hours of 11:00 p.m. and 5:00 a.m. of the following morning on Sunday, Monday, Tuesday, Wednesday, or Thursday.

- b) Exceptions. The restrictions provided by subsection 3(a) shall not apply to any minor who is accomplished by a guardian, parent, or other person charged with the care and custody of such minor, or other responsible person over 18 years of age with written permission of custodian, nor shall the restriction apply to any minor who is traveling between his home or place of employment; or between his home and church, municipal building (if said municipal building is open for some legitimate business purpose during the hours when this curfew is in effect), or school where a function is being held.
- c) Responsibility of Adults. It shall be unlawful for any parent, guardian, or other person charged with the care and custody of any minor to allow or permit such minor to be in or upon, or remain in or upon public place within the Town of Hertford within the curfew hours set out by subsection 3(a), except as otherwise provided in subsection 3(b).
- d) Responsibility of Business Establishments. It shall be unlawful for any person, firm, or corporation operating a place of business (including a place of amusement) to allow or permit any minor to be in or upon, or to remain in or upon, any place of business (including a place of amusement) operated by them within the curfew hours set out by subsection 3(a), except as otherwise provided in subsection 3(b).
- e) Enforcement.
  - i) When a minor is found to be in violation of this ordinance by an officer as defined herein, the officer will place said minor in temporary custody and immediately transfer said minor to the Hertford Police department to determine if the juvenile is a first offender. If the juvenile is a first offender, he/she will be taken to the residence of his/her parent or guardian. A written warning will be given to that parent or guardian and an information report taken by the officer, to include the name of the juvenile and parent or guardian, and the time, date, and location of the incident. This report will be turned in to the Town of Hertford Police Department for entry into its records.
  - ii) If, upon checking with the Town of Hertford Police Department, the juvenile is found to be a repeat offender, he/she will be taken to the residence if his/her parent or guardian and the parent or guardian will be subject to a criminal citation, pursuant to subsection 3(f) of this article. A report will be turned in to the Town of Hertford Police Department and entered into its records.
  - iii) If the juvenile is under 12 years of age, a report will be made and a copy forwarded to the Perquimans County Department of Social Services.
- f) Aiding and Abetting by Adult, Guardian, or Parent. It shall be a violation of this ordinance for an adult, guardian, or parent to allow, permit, encourage, aid, or abet a minor in the violation of subsection 3(a) of this ordinance, except as otherwise provided in subsection 3(b).

- g) Refusal of Guardian or Parent to Take Custody of a Minor. If any guardian or parent refuses to take custody of his/her minor child found in violation of this ordinance, the officer with custody of said minor shall contact the Perquimans County Department of Social Services and release the minor to that agency, pending further investigation by the Police Department and the Department of Social Services. The parent or guardian will be subject to a criminal citation, pursuant to subsection 3(f) of this article.
- h) Emergency Curfew. Under the authority of N.C.G.S. 14-288.12, whenever the Mayor of the Town of Hertford deems that an emergency exists, and there is a clear and present danger to the preservation of the public peace, health, life, or safety, or to public or private property in the Town necessitating expansion of the curfew provisions set forth in subsection 3(a), the Mayor may effect such expansion by proclamation effective for the period of the emergency. The proclamation shall contain a statement of the reasons for such necessity, the period of the expanded curfew, and provide that no minor under the age of 16 shall be upon or about, or remain upon or about, public places, as defined by this ordinance, in the Town during the period of the expanded curfew, unless accompanied by his/her parent, guardian, or responsible adult. Said proclamation may further provide that no parent or guardian of any minor under the age of 16 shall allow the child to be upon or about, or remain upon or about, any public place, as defined by this ordinance in the town during the period of the expanded curfew, unless the child is under direction or protection of some adult person with authority and consent of such parent or guardian for his/her being there. Said proclamation shall become effective 30 minutes after being publicly announced by the Mayor for the said period, or until rescinded by the Mayor or repealed by the Town Council of the Town of Hertford in the manner in which ordinance are repealed. As soon as is reasonable possible, the proclamation shall be published and reported in the local media and posted conspicuously about the Town of Hertford.
- i) Punishment. The punishment for violation of this ordinance shall be a maximum fine of \$50.00 or imprisonment for a maximum of thirty- (30) days, or both.

## **ARTICLE III. DOGS**

### **Section 8-35 Definitions.**

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

At Large - Off the premises of the owner and not under the control of the owner or a member of his immediate family or other responsible person, either by leash, cord or chain or confined within a motor vehicle owned or being operated by the owner or a member of his immediate family.

Dog - Both male and female dogs

Owner - Any person owning, keeping or harboring a dog. The head of the household shall be deemed to be the owner in respect to any dog or dogs owned, kept or harbored by any person residing in such household and kept on such premises.

Pound - The place provided and operated by the Town for the restrain, care and disposition of animals.

### **Section 8-36 License Required; application; fee.**

All dogs kept, harbored or maintain by their owners in the Town shall be licensed and registered if over six months of age. Dog licenses shall be issued by the Town Clerk upon payment of a license tax of one dollar. The owner shall state at the time application is made for such license and upon printed forms provided for such purpose his name and address and the name, breed, color and sex of each dog owned or kept by him. The provisions of this section shall not be intended to apply to dogs brought into the town for the purpose of participation in any dog show, nor to "seeing-eye" dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place. The license tax imposed by this section shall be an annual charge and shall be payable on or before July 1 of each year. The license tax on any dog over six months of age brought into the Town to be kept in the Town or on any dog, which becomes six months of age after July 1 of any year, shall become immediately due and payable to the Town.

### **Section 8-37 Certificate; tags.**

Upon payment of the license fee the Town Clerk shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The shape of the tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed and shall see that he collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the Town Clerk upon the payment of a fifty-cent fee and the presentation of a receipt showing the payment of the license fee for the current year. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the town before expiration of the license period.

### **Section 8-38 Vaccination.**

It shall be unlawful for the owner of any dog to keep or maintain it unless it shall have been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine as required by Section 106-385 of the General Statutes of North Carolina. Proof of such inoculation shall be attached to such dog.

### **Section 8-39 Responsibility of Owners.**

Owners are responsible for the acts of their dogs. The owner of any dog who commits a nuisance upon the property of another person or who damages another person's property or person shall be fully responsible and accountable for those acts. The owners of dogs shall provide humane and sanitary shelter from heat, cold, rain, wind and snow and shall provide food and water adequate to keep the animals in good health and comfort. All dogs shall be given opportunity for vigorous daily exercises and shall be provided by their owners with veterinary care when needed to prevent suffering. No person shall poison or maim a dog nor may a dog be abandoned. Unwanted animals may be given to the dog warden to be sold by the Town or destroyed in a humane manner.

### **Section 8-40 Dog Wardens.**

The Town Manager is hereby authorized to appoint, in his discretion, one or more town dog wardens.

### **Section 8-41 Impounding - Duty of warden or police officers.**

It shall be the duty of every police officer or dog warden to apprehend any dog found running at large contrary to the provisions of Section 8-47 and to impound such dog in the pound or other suitable place. The dog warden or other impounding official impounding any dog shall make a complete registry, entering the breed, color and sex of such dog and whether licensed. If licensed, he shall enter the name and address of the owner and the number of the license tag.

### **Section 8-42 Notice to owners; redemption.**

Not later than three days after impounding of any dog the owner shall be notified or, if the owner of the dog is unknown, written notice shall be posted for four days at three or more conspicuous places in the town describing the dog and the place and time of taking. The owner of any dog so impounded may redeem such dog by:

- 1) paying for and procuring a dog license, if he does not have one for such dog;
- 2) having such dog duly vaccinated for rabies if it has not been currently vaccinated before the redemption date; and
- 3) paying a capture and notice fee of three dollars, a kennel fee of one dollar for each day the dog is impound and paying such other costs and charges imposed by the Town for impounding and maintaining such dog in the pound.

**Section 8-43 Impounding - Term of confinement; disposal of certain dogs.**

It shall be the duty of the pound master to keep all impounded dogs for a period of seven days. If at the expiration of four days from the date of notice to the owner or the posting of notice, such dog shall not have been redeemed, it may be disposed of as provided by the rules and regulations of the pound as prescribed by the town. Any unlicensed dog required by law to be licensed or any dog, which appears to be suffering from rabies, or affected with mange or any other infectious or dangerous disease shall not be released but held by the pound master for ten days for observation.

**Section 8-44 Vicious dogs; females in heat.**

No dog of fierce, dangerous or vicious propensities and no female dog in heat, whether licensed or not, shall be allowed to run at large or upon the premises of one other than the owner. If any such dog is found running at large in violation of this section it shall be taken up and impounded and shall not be released except upon approval of the pound master of the pound after payment of the fees provided in Section 8-42; provided, that if any dangerous, fierce or vicious dog so found at large cannot be safely taken up and impounded, such dog may be slain by any policeman or dog warden.

**Section 8-45 Suspected rabies.**

If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined in the pound and shall be placed under the observation of a veterinarian at the expense of the owner for a period of ten days. The owner shall notify the dog warden of the fact that his dog has been exposed to rabies.

It shall be unlawful for any person knowing or suspecting a dog has rabies to allow such dog to be taken off the premises or beyond the limits of the Town without the written permission of the pound master. Every owner or other person, upon ascertaining a dog is rabid, shall immediately notify the dog warden or a policeman who shall remove the dog to the pound.

**Section 8-46 Rabies emergencies.**

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless such dog shall have a muzzle of sufficient strength to prevent its biting any person. Any un-muzzled dog running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies. All dogs noticeably infected with rabies and displaying vicious propensities shall be killed by the dog warden without notice to the owner. Dogs impounded during the first two days of such proclamation shall, if claimed within five days, be released to the owner, unless infected with rabies, upon payment of the impounding charges provided for in Section 8-42. If claimed after that period, such dog may be summarily destroyed.

**Section 8-47 Running at large.**

It shall be unlawful for any owner or keeper of any dog to permit such dog to run at large.

#### **Section 8-48 Vicious dogs.**

It shall be unlawful for any person to own, keep, have charge of, shelter, feed, harbor or take care of any vicious dog within the town limits.

#### **Section 8-49 Barking dogs.**

- 1) Any person keeping within the corporate limits of the Town of Hertford, one or more dogs which, by prolonged and habitual barking, howling or wining causes serious annoyance to neighboring residents and interfere with the reasonable use and enjoyment of the premises occupied by such residents shall be guilty of maintaining a nuisance.
- 2) Upon written and signed complaint being made to the police department by any resident or residents referred to in section 1 hereof, a representative of the police department shall notify such person against whom the complaint is directed that a complaint has been received, thereupon, such person shall abate the nuisance declared in section 1 hereof, within twenty-four (24) hours from the time of notification.
- 3) Any person failing or refusing to abate the nuisance declared herein within twenty-four (24) hours from the time of notification shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine not exceeding fifty (\$50.00) dollars, or imprisonment not to exceed thirty (30) days as provided by Section 4, Chapter 14 of the General Statutes of North Carolina.
- 4) This ordinance shall be in full force and effect from and after ten (10) days subsequent to the date of its adoption.
- 5) This ordinance shall be published in a newspaper having general circulation in the Town of Hertford within ten (10) days from the date of adoption. (Adopted August 13, 1990)

#### **Section 8-50 Teasing, etc.**

It shall be unlawful for any person to tease, molest, bait or in any way bother any dog not belonging to him or legally under his control.

#### **Section 8-51 Running over, etc., with vehicle.**

It shall be unlawful for any person injuring a dog, by running over or into same or coming into contact with same, with an automobile, motorcycle, bicycle or other vehicle, to fail to notify immediately the owner of such dog or the Town police department.

#### **Section 8-52 Trapping of Animals**

There shall be no trapping of wild animals by any mechanical devices within the Town of Hertford



### **Section 8-53 Animal Sanitation.**

- 1) Any person owning, harboring, walking, in possession of or in charge of a dog, which defecates on public property, public park property, public right-of-way property or any private property without the permission of the private property owners, shall remove all feces immediately after it is deposited by the dog. All feces removed in accordance with this section shall be placed in a suitable bag or other container that closes and disposed of in a lawful manner.
- 2) Any person, while harboring, walking, in possession of or in charge of a dog on public property, public park property, public right-of-way or any private property without the permission of the private property owner, shall have in his or her possession a bag or other container that closes, which is suitable for removing feces deposited by the dog.
- 3) The provisions of this Section shall not apply to blind persons using dogs as guides.
- 4) All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any part of this ordinance shall be adjudged invalid, such adjudication shall apply only to such part so adjudged and the remainder of the ordinance shall be deemed valid and effective.
- 5) A violation of this section shall be civil in nature and will carry a penalty in the amount of \$25.00 which shall be payable to the Town of Hertford.

## **ARTICLE 4 - PARKS AND RECREATION FACILITIES**

### **Section 8-60 Regulations for Parks and Recreation facilities**

The regulations set forth in the subsections below are adopted and approved by the Town of Hertford Commissioners. All persons in any park, playground, recreation or community center, swimming area, ball field, tennis court or other recreation facility owned or controlled by the Recreation Department (collectively, Recreation Facilities”) shall adhere to such regulations. These regulations and other provisions of this ordinance may be enforced by any law enforcement officer within his appropriate territorial and subject jurisdiction or by the Recreation Department or any Recreation Department supervisor, or by any Recreation Department employee so designated and empowered by the Recreation Director.

- 1) No person shall willfully mark, deface, disfigure, injure, tamper with, displace or remove any structure, equipment, facilities or any other real or personal property, that is the property of or under the control of the Recreation Department.
- 2) No person shall willfully damage, cut, carve, transplant, or remove any tree, shrub, bush or plant, or injure or pick their flowers, buds, seeds, or bark within any Recreation Facility.
- 3) No person shall ride or drive any motorized vehicle in any Recreation Facility except in areas affirmatively marked, signed or designated for motorized vehicular traffic.
- 4) No person shall dump, deposit, leave or place any trash, rubbish, garbage, ashes, wastes, broken glass or other rubbish within any Recreational Facility, except in designated garbage or trash receptacles.
- 5) No person shall camp or stay overnight in any Recreational Facility. (Except with permission of the Recreation Director or his designee.)
- 6) No person shall remain in or be in any recreational facility between the hours of 9:00 p.m. and 7:00 a.m. during the period from 1 April through 31 August of each year or between the hours of 6:00 p.m. and 7:00 a.m. for the period from 1 September through 31 March of each year, except for authorized Recreation Department personnel or its agents. Exceptions may be made to this Section when approved by the Recreation Department personnel or its agents.
- 7) No dogs, cats or other pets allowed within buildings of or at any Recreational facility.
- 8) No person shall engage in threatening, abusive or disorderly conduct, or hector or harass other Recreation Facility patrons.
- 9) No person shall solicit, peddle or bed within any Recreation Facility, or sell any merchandise or wares; provided, that this subsection shall not apply to (i) any concession granted by the Recreation Department for a recreation Facility, or (ii) any solicitation or sale of goods by nonprofit or civic groups, provided that a permit is obtained in advance from the recreation Director or his designee, but no such permit shall be issued to any group more often than once every month.
- 10) No person shall carry, possess or use any firearms or other dangerous weapons within any Recreation facility, except for law enforcement or other governmental personnel acting within the scope of their employment.
- 11) Persons engaged in criminal conduct or committing criminal offenses are not permitted within any Recreation Facility, and, if present, shall leave or be removed immediately.

- 12) No person shall use or consume any alcoholic beverages within any Recreation Facility, or any narcotic drug or hallucination, or any other controlled substance the possession of which is illegal without a valid physician's prescription unless such person can demonstrate that such possession or use is pursuant to valid physician's prescription.
- 13) All persons within any Recreation Facility shall obey all traffic regulations, signs, and directions.
- 14) Swimming and boating are permitted only in waters and from areas designated by the Recreation Director.
- 15) No person shall engage in any loud, boisterous or offensive conduct, or engage in any recreational activity or sport, so as to threaten the safety or welfare of other patrons of the Recreation Facility, or so as to unduly and unreasonably impair the public's opportunity to patronize and enjoy the Recreation Facility in such manner as to amount to a nuisance. No person shall engage in the playing of any excessively loud music or the making of any excessively loud noise in such a manner as to constitute a nuisance.
- 16) All persons using or present in swimming pools or other water areas shall obey posted regulations and notices relating to conduct of patrons, safety requirements, and health and hygiene.
- 17) Participants in organized league sports shall obey the posted rules of conduct while participating in such activities, or such other rules of conduct of which they have actual notice.
- 18) No person other than official personnel shall place, maintain or erect any sign, poster or advertising device within any Recreation Facility.
- 19) No person or group shall leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in receptacles provided. If no such trash receptacles are available, then trash should be carried away from the park by the user.
- 20) No person shall bring or have in his possession, or set off or otherwise cause to explode or discharge or burn, any fireworks or explosives or throw them into such area from land or highway adjacent thereto unless granted permission by the Parks and Recreation Director.
- 21) No person shall build or attempt to build a fire anywhere except in grills. No person shall drop, throw or scatter lighted matches, burning cigarettes or cigars or other inflammable materials within any work area.
- 22) It shall be unlawful for any person to tie, chain, anchor or otherwise fasten any boat, raft, canoe, except in designated areas.
- 23) No person shall skate, ride a bicycle or skateboard in the park.
- 24) No person shall polish, wax, wash or repair any motor vehicle on said park property.

The Recreation Director is authorized to and may remove, or cause to be removed, from any Recreation Facility premises any person in violation of the provisions of this ordinance. No person who has been so removed shall thereafter re-enter the Recreation Facility except pursuant Recreation Department regulations. By way of example, a team participant ejected from a ball park for disputing an umpire's decision shall not re-enter the ball field nor participate in further team play for such period of time as specified by standing Recreation Department regulations as in effect from to time.

The Recreation Director is authorized to make changes as seen fit. For example: No animals are allowed in a facility. However, if the Recreation Department is sponsoring a pet show or dog training class this rule would be waived in such case.

Each and every instance of a violation for this ordinance is a misdemeanor.

Said ordinance to become effective upon expiration of advertising same at three (3) public places in the Town of Hertford for a period of five (5) days from this date. (Effective May 25, 1982)